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Setting Aside the ‘Others’: Exclusion amid Inclusion of Non-dominant Minorities in Peace Agreements

Abstract: This article analyses the Exclusion amid Inclusion of ‘Others’ raised by using territorial power-sharing mechanisms in peace agreement to accommodate mobilized minorities, due to risks of excluding non-dominant minorities at sub-state levels of governance. It charts how negotiated settlements have addressed this dilemma by formally acknowledging the plurality of non-dominant minorities within territorial power-sharing arrangements, including de facto minorities and other ‘non-aligned’ or less politically relevant minorities. Using the PA-X Peace Agreements Database, this article conducts qualitative content analysis of 1518 peace agreements from 1990-2016, to shed light on the EAI dilemma within negotiated settlements in divided societies.

Introduction

Territorial power-sharing has become a staple of negotiated settlements for conflict-affected states over the last 28 years, particularly as a response to managing diversity in deeply divided societies.¹ The merits of territorial power-sharing to successfully settle conflict over territories between minority and majority groups has been widely debated.² It is frequently “supported by peacemakers because it reorganizes the political and spatial realities on the ground, especially the division of territory won on the battlefield and at the negotiating table”, and yet it does so whilst maintaining the territorial integrity of the conflict-affected state.³ Territorial power-sharing in mediated settlements has been consistently included in peace agreements between 1990 and 2016, where provisions for territorial power-sharing in peace agreements have increased over time.⁴

Less scrutinised, however, is the perceived threat of becoming a non-dominant minority within a newly-established or strengthened heterogeneous sub-state entity, when proposed arrangements only respond to the claims of primary mobilized minority groups. As territorial power-sharing has the capacity to include certain groups within a central political settlement, the potential inclusion trade-off for non-aligned or less politically relevant groups seems to be overlooked when federalism, decentralization or autonomy are mooted during peace processes.

With inclusive political settlements increasingly a normative goal for peace agreement architects,⁵ this Exclusion amid Inclusion dilemma within territorial power-sharing requires further exploration. Do peace agreements acknowledge the EAI dilemma posed by territorial accommodation of dominant minorities? Are there prominent mechanisms that parties often agree on to include non-dominant minorities at sub-state levels of governance? Using the PA-X Peace Agreement Database,⁶ I find that the majority of peace agreements agreed between 1990 and 2016 failed to take the Exclusion amid Inclusion dilemma into account. Furthermore, in cases that did provide for possible avenues out of this dilemma, proposed settlements have still included some non-dominant minorities while excluding others.

The Exclusion amid Inclusion of Territorial Power-Sharing

Territorial power-sharing⁷ is one approach used to accommodate diversity and manage conflict in deeply divided societies, particularly as a response to armed conflict involving territorial disputes, including secessionist claims. Much of the debate over territorial power-sharing’s conflict management capacity focuses on its use to accommodate territorially-concentrated minorities, so as to include these minorities within a central political settlement, by combining territorial power-sharing arrangements with political power-sharing institutions at the centre.⁸ Although the possibility of preventing further conflict between state-level majorities and minorities is undoubtedly a priority for mediators, the risk that accommodating a primary minority through reorganizing territorial governance may create or

exacerbate majority-minority exclusions at sub-state levels is often acknowledged without detailed investigation.

There can be conceptual confusion when scrutinising the relationship between groups and territories, regarding which groups constitute minorities and majorities. As Simeon highlights, “The degree of territorial concentration is of course, not a binary value. Rather, it is a continuum. Even when a single group constitutes the large majority in a regional unit, there will almost always be “minorities within minorities”, thus complicating debates about whether and how to recognize or accommodate them.”⁹ This complication is evident among the various terms used to conceptualise such groups within accommodation debates, including “nested minorities”,¹⁰ “second-order minorities”,¹¹ “residual sub-national minorities”,¹² and “nonterritorial minorities”.¹³

What all these terms demonstrate, however, is the salience of majority-minority positioning within territorial units, and the concern of becoming an ‘other’ in an entity ‘owned’ by another group. Ragaru argues that this concern stems from “The moment one community comprises above 50% of the total population, that unit becomes theirs [...] minority rights might be respected, yet community preference will be the rule rather than the exception.”¹⁴ This dilemma becomes particularly relevant in post-conflict institutional arrangements whereby internal boundaries and units accommodate a particular minority group which has mobilized around claims of territorial self-governance, and therefore proposed settlements are implicitly designed to designate said minority as a territorial majority within a sub-state unit.

Despite addressing at least one minority-majority conflict, these proposals provide risks both for the erstwhile majority ‘left behind’, and for other non-dominant communities: “Groups that do not meet the threshold for political relevance – either because they are too small, too territorially dispersed or because they do not identify with the dominant ethno-divide”.¹⁵ The term “de facto”¹⁶ minorities does refer to all those who find themselves in an entity ‘owned’ by another group, including erstwhile majorities or constitutionally named groups. However, I find Bieber’s use of the term “non-dominant” helpful in capturing this fear of domination by a titular group at any level of governance, as it makes the distinction that the “relationship to the respective layer of governance” is the key factor in determining status within a territorial polity.¹⁷ “Non-dominant” reflects this dilemma, whilst also referring to both erstwhile majorities, conflict-aligned minorities, *and* non-relevant ‘others’ who find themselves in a non-dominant position. The consequences of this dilemma, or experiences of exclusion amid territorial power-sharing arrangements, however, might be different, depending on these distinctions. When this EAI dilemma has been raised,¹⁸ it is often in the context of minority rights’ guarantees, and the various mechanisms available for protecting these, particularly when conflict is resolved through a negotiated settlement.

Power-sharing Peace Agreements: Including Non-dominant Minorities?

Peace agreements studies that focus on minority rights suggest that the most promising provisions for including minorities are “specific inclusion mechanisms”,¹⁹ such as power-sharing institutions with adequate support for implementation.²⁰ Whilst power-sharing – often used by peace agreement scholars as shorthand for either corporate or liberal consociationalism at the centre – is considered an important minority inclusion mechanism, this is not necessarily enough to address concerns of exclusion. Instead, power-sharing packages are often necessary to grant guarantees for minorities, echoing what Bell describes as a concept aimed at “fair participation”: “disaggregation of power through devices such as consociationalism, territorial subdivision, and robust human rights and minority rights protections”.²¹ Here, consociationalism²² is optimally coupled with minority rights protections – such as equality legislation – to address any doubts that minorities may have about power-sharing institutions adequately providing for minority inclusion and protection.²³

If power-sharing institutions coupled with robust minority rights protections aim to ensure fair participation for minorities within a central political settlement, could this also offer an avenue out of the Exclusion amid Inclusion dilemma at other levels of governance? In his study of conflict

management, Wolff claims that “the institution of local power sharing mechanisms, i.e., within the self-governing entity, also addresses one frequent criticism and potential flaw of TSG arrangements – that they empower a local majority to the disadvantage of one or more local minorities”.²⁴ However, whilst we cannot assume that non-dominant minorities will not welcome sub-state power-sharing, without guaranteed minority rights, non-dominant others within entities may still risk exclusion from representation in power-sharing institutions.²⁵

Much of the peace agreement literature, however, focuses on state-level minorities, rather than non-dominant minorities within sub-state entities. Additionally, existing studies of peace agreements have either used comparative case studies of processes or comprehensive agreements, but not large-scale qualitative data for provisions regarding minorities.²⁶ Furthermore, peace agreement research often focuses on certain types of agreements (such as comprehensive or ceasefire agreements) in isolation, rather than as part of a peace process throughout which points of agreement can mutate over time. This means that the temporal sequencing of particular agendas is missing from the field. Do peace agreements proposing territorial power-sharing also provide for sub-state political power-sharing and minority rights protections? If so, are there mechanisms that could mitigate this EAI dilemma?

Identifying EAI Dilemmas in Peace Agreements

Whilst there are various definitions of what constitutes a ‘peace agreement’, PA-X is a collection of 1518 “formal, publically-available documents, produced after discussion with conflict protagonists and mutually agreed by some or all of them, addressing conflict with a view to ending it”, from 1990 to 2016.²⁷ It contains agreements addressing both inter-state and intra-state conflicts, from 180 peace or transition processes, with agreements qualitatively coded for 225 substantive categories of the issues dealt with by the agreement content. In order to identify peace agreements that risked establishing an EAI dilemma, I selected all agreements that contain provisions for some form of territorial power-sharing as part of a peace process dealing with intra-state conflict over territory.²⁸ This selection identifies agreements that propose territorial power-sharing mechanisms to accommodate a group, even in cases where groups have been claiming for less than secession, but where conflict protagonists and mediators have understood some form of territorial self-governance as important.

Of the 1518 peace agreements PA-X lists, 158 peace agreements contain territorial power-sharing provisions relating to intra-state conflict with a territorial element, across 36 peace processes.²⁹ Autonomy is the most frequently provided form of territorial power-sharing within this sub-set of agreements; however the majority of the sub-set provide for at least two forms of territorial power-sharing, either to create multiple layers of power-sharing within an overarching entity, or across different territorial areas of the state.

These 158 agreements demonstrate moments within peace processes when parties agreed to use territorial power-sharing for group accommodation as a way to resolve conflict, either through establishing new institutions, reiterating earlier commitments to this approach, or by revising current arrangements. Therefore, they were also moments when the prospect of the EAI dilemma for non-dominant minorities became present within a process, as any agreed territorial power-sharing provisions raised the possibility of excluding non-dominant minorities. At the same time, these were opportunities for negotiating parties to take this risk into consideration, and build minority safeguards into agreements, including political power-sharing at multiple levels of governance, combined with strong guarantees of equality.

Sub-state Political Power-Sharing: Addressing the EAI dilemma?

Within this sub-set of territorial power-sharing agreements, only 47 out of 158 agreements also contain provisions for sub-state political power-sharing,³⁰ including in Angola, Bosnia, India, and Sudan. Executive coalitions and proportionality in the legislature are common elements of sub-state political power-sharing provided by these agreements, although the majority of agreements contain

combinations of two or more elements. An example is an agreement from Somalia, which provided for an inclusive Executive Council of the Interim Jubba Administration, and proportional representation of all clans and constituencies in the Regional Assembly.³¹

Although these agreements provide mechanisms for inclusion of non-dominant minorities at multiple levels of governance, thus to some extent addressing the EAI dilemma posed by territorial power-sharing, not all provide for multiple non-dominant minorities within a heterogeneous sub-state entity. Just over half of the agreements only provide for including one non-dominant minority within sub-state political power-sharing arrangements, often prioritising parties who represent state-level majorities or the most politically relevant groups within the territorial entity. This means that despite steps taken within a peace process to mitigate the risk of national-level minorities becoming dominant sub-state majorities, the focus remains on politically relevant non-dominant minorities, or those who have been parties to the conflict in some way.

There are some cases where peace agreements have gone into comprehensive detail on how including multiple non-dominant minorities within sub-state political power-sharing should be achieved. The peace agreement data demonstrates, however, these moments of acknowledgement of the EAI dilemma can vary in strength over time throughout peace processes, potentially resulting in limited gains for non-dominant minorities if these provisions are missing from comprehensive agreements or post-conflict constitutions, as the following examples demonstrate.

One of the most substantive provisions for including multiple non-dominant groups in a sub-state institution comes from a 1996 agreement for the Philippines, which agreed 15% sectoral representation of elected members coming from “the labor, disabled industrial, indigenous cultural communities, youth, women, non-government organisations, agricultural, and other such sectors” in the proposed Autonomous Region of Muslim Mindanao legislative assembly.³² Here, the agreement acknowledges the heterogeneity of the autonomous region beyond the titular group, but goes beyond rhetorical commitments to diversity by accommodating others within sub-state political institutions. Yet by 2013, this list of named communities to be included in the Bangsamoro Assembly changed to ‘sectoral constituencies’, the composition of which would be agreed in the future Bangsamoro Basic Law. It also provided for non-dominant inclusion in the Bangsamoro council of leaders, but via “a representative each of the non-Moro indigenous communities, women, settler communities, and other sectors.”³³ Whilst this linguistic change is slight, it highlights how although commitments to territorial power-sharing can remain steadfast within processes, inclusion gains for named groups can either be lost as the process goes on, or decisions which impact non-dominant minorities are postponed to a later date.

In Bosnia, several agreements substantively provide for non-dominant minority inclusion within sub-state entities, particularly in the process to establish the Federation of Bosnia and Herzegovina. All of these agreements prioritised sub-state inclusion of non-dominant named ‘constituent peoples’, and provide substantively for sub-state political power-sharing mechanisms at all levels of government, but few also include non-constituent groups, referred to as ‘others’. Predominant inclusion mechanisms for others in the Bosnian peace process were reserved seats on city councils, cantonal governments, or temporary provincial governments, or through proportionality within sub-state institutions, such as the judiciary or the police. As in the Philippines, however, this acknowledgement of the EAI dilemma was not sustained throughout the peace process. The exclusion of non-dominant minorities across Bosnia’s complex territorial power-sharing arrangements,³⁴ despite extensive sub-state political power-sharing, shows how within peace processes, some non-dominant minorities take priority over less politically-relevant groups, and that mechanisms to include multiple non-dominant minorities can be quickly lost from the agenda, rather than substantively developing over time.³⁵

Additionally, throughout peace processes there are varying degrees of detail for commitments to sub-state political power-sharing. Most of the agreements contain details of proposed institutions, such as how the composition of executive coalitions and legislatures will be achieved. However, for including other non-dominant minorities, the language is sometimes vague. Constructive ambiguity and comprehensive detail can both be useful within peace agreements, in regards to getting parties to agree

to commitments, and subsequent implementation.³⁶ For non-dominant minorities, however, detailed provisions may be important, as not only could they assist groups in trusting the state or dominant minorities' intention to uphold their commitments, but can also help minorities to hold parties or governments accountable for implementing inclusion provisions.³⁷ Provisions such as "The administration of the Abyei Area shall be representative and inclusive of all the residents of the area"³⁸ - in an agreement dealing with a disputed area between Sudan and South Sudan - acknowledge a perceived need for inclusive sub-state institutions, but there is little to scrutinise regarding implementation.

In contrast, an agreement in Bangladesh provides comprehensive details on the inclusion of non-dominant minorities in a sub-state region defined as having at least 50% tribal population, with reserved seats for non-tribal communities in Chittagong Hill Tracts councils. It also defines "non-tribal permanent resident", and how this status will be determined.³⁹ This level of detail enabled sub-state majority actors to monitor changes to the text during implementation, which they perceived as an attempt to increase the number of eligible persons from a particular non-dominant community in the Hill Tracts (Bengali settlers) for that status, and thus representation within sub-state institutions.⁴⁰ Breaching the terms of the agreement in order to manipulate representation of one non-dominant community, particularly a non-dominant minority that constitutes the state-wide majority, could have furthered the exclusion of members of other non-dominant groups within the region who would find it harder to compete for representation as "non-tribals". It also highlights that even when peace agreements do provide for non-dominant minorities, inclusion remains contested after accords are signed.

Participation Packages in Peace Agreement Practice

If sub-state political power-sharing to accommodate non-dominant minorities in peace agreement practice is not as common as anticipated, then "fair participation" packages – power-sharing combined with equality commitments – are even less prevalent. Only 23 out the sub-set of territorial power-sharing agreements contain both measures for sub-state political power-sharing and references to equality. However, they are predominantly substantive equality provisions with enough detail to suggest credible commitment of the parties. These include guarantees for equal participation of specific groups at all levels of governance,⁴¹ and non-discrimination on the basis of national community membership.⁴² A unilateral proposal for the North East of Sri Lanka is a clear example of an agreement which not only provided for multiple non-dominant minority representation in a sub-state power-sharing institution, but also explicitly guaranteed the equal rights of all communities within that area.⁴³

Other agreements, whilst not providing substantive detail, have included commitments to incorporating international human rights instruments into sub-state constitutions, such as the 1965 International Convention on the Elimination of All Forms of Racial Discrimination.⁴⁴ Devoid of details on implementation, however, these agreements may simply tack on international human rights instruments without clearly addressing how non-dominant minorities would be included in sub-state entities going forward. Within substantive commitments, there are still instances of non-dominant minority exclusion, where equality provisions address the EAI dilemma of some communities but not others. As part of the process to form the Federation of Bosnia and Herzegovina, the Vienna Agreements include provisions to guarantee the 'equal status of all constituent peoples',⁴⁵ thus excluding those who do not identify as one of the three constituent groups in Bosnia and establishing a hierarchy between politically relevant and other non-dominant minorities within sub-state entities.

Where equality provisions explicitly recognise particular communities, they further contribute to power-sharing's focus on ethno-national divisions within conflict-affected societies. The disparities across agreements between acknowledging equality rights of specific communities are skewed heavily towards guarantees non-discrimination on the basis of nationality, ethnicity, race and religion, rather than other protected characteristics or identities. Few territorial power-sharing agreements with sub-state political power-sharing contained commitments to equality based on age, disability, or social class, and none provided for equality of migrant workers or indigenous peoples within sub-state entities. This

suggests that, unsurprisingly, peace agreements provide for non-dominant communities within sub-state entities who are perceived by mediators to be active stakeholders or participants in the conflict, or are politically relevant, and that the equality of non-dominant others will either be guaranteed via generic equality commitments, or simply do not need to be addressed within a peace process. The only exception is commitments to gender equality, which are guaranteed in as many agreements as non-discrimination based on race, ethnicity, or nationality, possibly due to a greater push for gender inclusion in peace processes than for other identity groups. This frequency raises the question of how marginalised groups can utilise rainbow coalitions to advance inclusion agendas both inside and outside of formal peace talks.⁴⁶

Conclusion

This first look at the EAI dilemma within peace agreements raises several issues for non-dominant minorities within territorial power-sharing settlements. Firstly, peace agreements do not comprehensively or explicitly acknowledge non-dominant groups within territorial power-sharing settlements. In the cases where they do, the focus often remains on primary or named non-dominant minorities within sub-state entities, with other non-dominant identity groups accommodated through generic equality guarantees or vague rhetorical commitments to inclusion. Non-existent or vague commitments to inclusion of non-dominant others may have consequences at later stages in peace processes, particularly during the implementation of power-sharing institutions, as they could hinder non-dominant others' abilities to hold parties to account or resist attempts to water down earlier commitments to inclusive settlements. Further research, however, needs to consider in greater depth the consequences for non-dominant minorities to push for inclusion during peace agreement implementation, especially depending on whether agreements have used liberal or corporate consociations at sub-state levels.

Secondly, few peace agreements provide for fair participation packages for non-dominant minorities within sub-state entities. When these packages are agreed, they overwhelmingly address ethno-national divisions within conflict affected societies, rather than acknowledging the existence of non-ethnic identity groups who will also be affected by territorial power-sharing. The exception to this is packages for fair participation through non-discrimination based on gender, which raises the possibility of marginalised groups using rainbow coalitions in peace processes to support multiple claims for inclusion.

Finally, this article has pushed for paying greater attention to the EAI dilemma within sub-state political settlements, rather than simply using institutional arrangements at the centre to accommodate minorities. With territorial power-sharing remaining as a frequently discussed option for conflict-affected states, discussions about inclusion which focus purely on the centre risk further entrenching the EAI dilemma for non-dominant minorities at multiple levels of governance. By providing a comparative overview of the EAI dilemma posed by specific forms of sub-state minority accommodation in peace agreements, I have aimed to further discussions of minority rights approaches to peace agreements beyond the central deal, and raise the possibility of further research in this area.

¹ Sia Spiliopoulou Åkermark, "Internal Self-Determination and the Role of Territorial Autonomy as a Tool for the Resolution of Ethno-Political Disputes," *International Journal on Minority and Group Rights* 20 (2013): 6.

² For a comprehensive overview of this debate, see Pippa Norris, *Driving Democracy* (Cambridge: Cambridge University Press, 2008), 157-185.

³ David A. Lake and Donald Rothchild, "Territorial Decentralization and Civil War Settlements," in *Sustainable Peace: Power and Democracy after Civil Wars*, edited by Philip G. Roeder and Donald Rothchild (Ithaca NY: Cornell University Press, 2005), 109-110.

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- ⁴ *PA-X Peace Agreements Database and Access Tool* (version 1) (Edinburgh: Political Settlements Research Programme, University of Edinburgh, 2017) www.peaceagreements.org.
- ⁵ Alex de Waal, "Inclusion in Peacemaking: From Moral Claim to Political Fact," in *The Fabric of Peace in Africa: Looking beyond the State*, edited by Pamela Aall and Chester A. Crocker (Waterloo: Centre for International Governance Innovation, 2017), 165-186.
- ⁶ *PA-X Peace Agreements Database and Access Tool* (version 1).
- ⁷ Whilst I acknowledge the ongoing conceptual debates regarding the term 'territorial power-sharing' as opposed to 'territorial self-governance', 'territorial autonomy' or 'territorial pluralism', similarly to David A. Lake and Donald Rothchild's preference for using 'territorial decentralization' as a generic term, I prefer to use 'territorial power-sharing' to reflect the myriad of complex mechanisms used to share power in negotiated settlements, which often use terms interchangeably in peace agreement texts. See Lake and Rothchild, "Territorial Decentralization," 109-132.
- ⁸ Stefan Wolff, "Conflict Management in Divided Societies: The Many Uses of Territorial Self-Governance," *International Journal on Minority and Group Rights* 20 (2013), 27-50.
- ⁹ Richard Simeon, "Introduction," *Territorial Pluralism: Managing Difference in Multinational States*, edited by Karlo Basta, John McGarry, and Richard Simeon (Vancouver: UBC Press, 2015), 5-6.
- ¹⁰ James Fearon, "Commitment Problems and the Spread of Ethnic Conflict," in *The International Spread of Ethnic Conflict: Fear, Diffusion, and Escalation*, edited by David A. Lake, Donald S. Rothchild (Princeton, NJ: Princeton University Press, 1998), 125.
- ¹¹ Shane Joshua Barter, "'Second-order' ethnic minorities in Asian secessionist conflicts: problems and prospects," *Asian Ethnicity* 16 (2015) 2, 123-135.
- ¹² Christophe Van der Beken, "Federalism, Local Government and Minority Protection in Ethiopia: Opportunities and Challenges," *Journal of African Law* 59 (2015) 1, 170.
- ¹³ Arshi Khan, "Federalism and Nonterritorial Minorities in India," in *Federalism, Subnational Constitutions, and Minority Rights*, edited by G. Alan Tarr, Robert F. Williams, and Josef Marko (Westport, CT: Praeger Publishers, 2004), 199-212.
- ¹⁴ Nadège Ragaru, "Macedonia: Between Ohrid and Brussels," *Cahiers de Chaillot* (2008), 25-26.
- ¹⁵ Allison McCulloch, "Federalism, Democracy And Inclusion: What About The Others?," *50 Shades of Federalism* (2018), 2. Available at: <http://50shadesoffederalism.com/diversity-management/federalism-democracy-inclusion-others/>
- ¹⁶ Minority Rights Group International, *Collateral Damage of the Dayton Peace Agreement: Discrimination Against Minorities in Bosnia and Herzegovina, Twenty Years On* (London: Minority Rights Group International, 2015).
- ¹⁷ Florian Bieber, "Power Sharing as Ethnic Representation in Postconflict Societies: The Cases of Bosnia, Macedonia, and Kosovo," in *Nationalism after Communism: Lessons Learned*, edited by Alina Mungiu-Pippidi and Ivan Krastev (Budapest: Central European University Press, 2004), 242.
- ¹⁸ See Andreas Føllesdal, "Federalism, Ethnicity and Human Rights in Nepal. Or: Althusius meets Acharya," *International Journal on Minority and Group Rights* 18 (2011), 339; Oona Paredes, "Indigenous vs. native: negotiating the place of Lumads in the Bangsamoro homeland," *Asian Ethnicity* 16 (2015) 2, 167; Arild Shou, "Conflict resolution attempts in self-determination disputes: the significance of local minority groups concerns in the Philippines and Sri Lanka," *Ethnic and Racial Studies* 37 (2014) 2, 318.
- ¹⁹ Chandra Lekha Sriram, "Making rights real? Minority and gender provisions and power-sharing arrangements," *The International Journal of Human Rights* 17 (2013), 279.
- ²⁰ Fernand de Varennes, "Lessons in Conflict Prevention: A Comparative Examination of the Content of Peace Accords," *The Global Review of Ethnopolitics* 1 (2002) 3, 53-59; Tina Kempin Reuter, "Including Minority Rights in Peace Agreements: A Benefit or Obstacles to Peace Processes after Ethnic Conflict?," *International Journal of Minority Rights* 19 (2012) 359-397; Padraig McAuliffe, "The Post-Conflict Security Dilemma and the Incorporation of Ethno-Cultural Diversity," in *Ethno-Cultural Diversity and Human Rights: Challenges and Critiques*, edited by Gaetano Pentassuglia (Leiden: Brill Nijhoff, 2018), 337-369.
- ²¹ Christine Bell, *On the Law of Peace* (Oxford: Oxford University Press, 2008), 219.
- ²² Peace agreement literature on minorities often uses "political power-sharing" as a synonym for consociationalism, without making a distinction between liberal or corporate models, despite these

models having different implications for both for group inclusion, and trajectories of conflict management. See further, Allison McCulloch, "Consociational settlements in deeply divided societies: the liberal-corporate distinction," *Democratization* 21 (2014) 501-518.

²³ McAuliffe, "The Post-Conflict Security Dilemma," 357-358.

²⁴ Stefan Wolff, "Conflict Management in Divided Societies," 40.

²⁵ Bieber, "Power Sharing as Ethnic Representation in Postconflict Societies," 242.

²⁶ Lekha Sriram, "Making rights real?," 278.

²⁷ Christine Bell, Sanja Badanjak, Robert Forster, Astrid Jamar, Jan Pospisil, Laura Wise. *PA-X Codebook* (Version 1) (Edinburgh: Political Settlements Research Programme, University of Edinburgh, 2017) 1.

²⁸ This includes all peace agreements relating to intra-state conflict over government and territory, although this does not refer only to conflicts with explicit secessionist claims.

²⁹ This excludes agreements with an unclear status.

³⁰ PA-X codes for political power sharing using Arend Lijphart's pillars of consociational democracy: grand coalitions; proportional representation; mutual veto in areas of vital interest; and segmental autonomy. It has also coded for international involvement in power-sharing institutions. See Bell et. al, *PA-X Codebook*, 28.

³¹ Agreement between the Federal Government of Somalia and Jubba Delegation, 27 August 2013.

³² Final agreement on the implementation of the 1976 Tripoli Agreement between the Government of the Republic of the Philippines (GRP) and the Moro National Liberation Front (MNLF), 2 April 1996.

³³ Annex on Power-Sharing to the Framework Agreement on the Bangsamoro (FAB), 8 December 2013.

³⁴ See for example the case of *Pilav v. Bosnia and Herzegovina*. Stefan Graziadei, "The Strasbourg Court and Challenges to the Constitutional Architecture of Post-Conflict Federalism in Bosnia-Herzegovina and Beyond," *Review of Central and East European Law* 42 (2017) 169-214.

³⁵ Christine Bell et. al, *Navigating Inclusion in Peace Settlements: Human Rights and the Creation of the Common Good* (London: British Academy, 2017), 52-3.

³⁶ Nina Caspersen, *Peace Agreements* (Cambridge: Polity Press, 2017), 123-133; Bell, *On the Law of Peace*, 162-174.

³⁷ Pádraig McAuliffe, "The Post-conflict Security Dilemma," 345-346.

³⁸ The Protocol between the Government of Sudan and the People's Liberation Movement on the Resolution of the Abyei Conflict, 26 May 2004.

³⁹ Agreement between the National Committee on Chittagong Hill Tracts Constituted by the Government and The Parbattya Chattagram Janasanghati Samity, 2 December 1997.

⁴⁰ Bangladesh Adivasi Resource Centre, "An Audit on the Implementation of the CHT Accord," (Dhaka: Bangladesh Adivasi Resource Centre, 2011). Available from: http://barc-bd.org/all_document/Implementation_CHT_Accord.pdf (accessed December 26, 2017).

⁴¹ Eastern Sudan Peace Agreement, 19 June 2006.

⁴² Interim Agreement for Peace and Self-Government in Kosovo (Rambouillet Accord), 23 February 1999.

⁴³ The LTTE's Proposal for an Agreement to Establish an Interim Self-Governing Authority for the Northeast, 31 October 2003.

⁴⁴ Framework Agreement for the Federation (Washington Agreement or Contact Group Plan), 1 March 1994.

⁴⁵ Vienna Agreements, 11 May 1994.

⁴⁶ Christine Bell, "Human Rights, Peace Agreements, and Conflict Resolution: Negotiating Justice in Northern Ireland," in *Human Rights and Conflict: Exploring the Links Between Rights, Law, and Peacebuilding*, edited by Julie A. Mertus and Jeffrey W. Helsing (Washington, DC: United States Institute of Peace, 2006), 365.